

IN THE MARION COUNTY CIRCUIT/SUPERIOR COURT

CAUSE NO.: 49D 0 1 2 4 0 5 CT 0 2 4 4 7 7

**FILED**

(200)

MAY 31 2024

Michael Anthony Caputo,

*Plaintiff,*

*Katherine E. Breaux*  
CLERK OF THE MARION CIRCUIT COURT

-VS-

Jury Trial Demanded

Menards Inc., et al.,

*Defendant(s).*

### VERIFIED COMPLAINT

Plaintiff, Michael Anthony Caputo, pro se states that on or about April 17th 2024, four (4) unknown (therefore unnamed) employees, contractors, associates, agents, representatives, or privies (Collectively Menards) committed the torts of false imprisonment and defamation against the Plaintiff.

#### PARTIES:

The parties are the Plaintiff Michael A. Caputo who is a U.S.Citizen and resident of Indiana, Marion County at, 1405 South Richland Street, Indianapolis, Indiana 46221. The Defendant(s) are Menards, a Wisconsin Corporation headquartered at 5101 Menard Drive, Eau Claire, 54703, and four unknown, and therefore unnamed, loss prevention employees, contractors, agents, representatives, or privies (hereinafter "Menards"). The allegations stem from events having occurred at the Indianapolis South store, located at 7140 South Emerson Avenue, Indianapolis, Indiana, 46236. All events and actions occurred in Marion County Indiana.

#### COUNT I: FALSE IMPRISONMENT

On or about April 17th, 2024, Menards', without probable cause or Plaintiff's consent, detained and/or confined Plaintiff in the security office of Menards' South Emerson store;

## COUNT II DEFAMATION

On or about April 17th 2024, Menards' knowingly, recklessly, and/or maliciously, visually and verbally accused the Plaintiff of theft in the presence of other employees and customers without probable cause or other lawful authority.

### VERIFIED FACTS:

- (1). On or about April 17th, 2024 Plaintiff went to the Menards located on South Emerson to purchase a plumbing "fitting";
- (2). Plaintiff entered Menards at approximately a quarter after one (1:15PM) on the afternoon of the 17th and went directly to the plumbing section in the store.
- (3). In the "plumbing" aisle, Plaintiff located, examined, and compared several brass fittings with the fitting Plaintiff had brought into the store. Plaintiff found the fitting he was looking for, grabbed several other items, and proceeded to checkout;
- (4). Plaintiff purchased the items he had selected, including the fitting, and then Plaintiff proceeded to exit the store. See Plaintiff's Exhibit #1, copy or receipt dated April 17th, 2024 and generated at 01:41 PM;
- (5). As the Plaintiff attempted to exit the store, Plaintiff was confronted by three (3) or four (4) persons identifiable as Menards "security" or "loss prevention". Three (3) males and a female;
- (6). In full view of other employees and shoppers, Menards' clearly identifiable loss prevention personnel stopped Plaintiff's forward movement and one of the male members of the group asked Plaintiff "where is the fitting you put in your pocket"?;

(7). Plaintiff stated that he had not stolen anything;

(8). A male employee thereupon stated something to the effect that he, the employee," had detained Plaintiff a couple months (or weeks) prior at the Pendleton Pike Menards";

(9). The unnamed persons through show of force commanded Plaintiff to enter the security office located at the stores entrance and exit;

(10). These actions were visually and verbally communicated to the Plaintiff and as well as an estimated fifty (50) or sixty (60) other persons;

(11). Once in the security office the unnamed persons accused Plaintiff of shoplifting and detained him for approximately twenty (20) minutes without Plaintiff's consent and contrary to his will;

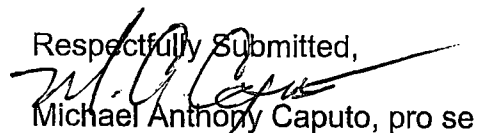
(12). After discovering their error, the female member of the group forced Plaintiff to sign a "trespassing" document, effectively preventing Plaintiff from entering Menards property.

#### DAMAGES:

Plaintiff requests exemplary damages for false imprisonment (criminal confinement) in the sum of one million (\$1,000,000) dollars.


Plaintiff seeks damages to reputation and character caused by the Defendants false accusations of theft in the amount of one million (\$1,000,000) dollars.

Respectfully Submitted,

  
Michael Anthony Caputo, pro se

AFFIRMATION:

The undersigned states under the penalty of perjury all statements that can be construed as facts are true upon personal knowledge and belief.


  
Michael Anthony Caputo, Verifier

CERTIFICATE OF SERVICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED

I certify that the original of the annexed Complaint along with copy of Summons was served on Menards Inc., at, 5120 Menard Drive, Eau Claire, WI 54703, and Menards Inc., at, 7140 South Emerson Ave., Indianapolis, IN 46237, this 31<sup>ST</sup> day of ~~JUNE~~ JULY, 2024 by certified mail, return receipt requested.

Return receipt # Menards Headquarters 7021 1970 0001 1806 0377

Return receipt # Menards Indianapolis 7021 1970 0001-1806 0384

  
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